

# Senate File 2304 - Introduced

SENATE FILE 2304  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 3028)

## A BILL FOR

1 An Act requiring an aggravated misdemeanor to submit a DNA  
2 sample and including effective date provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 81.1, Code 2011, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 01. "*Aggravated misdemeanor*" means any  
4 aggravated misdemeanor offense except for an aggravated  
5 misdemeanor offense under section 321.561, section 714.2,  
6 subsection 3, or section 714.7.

7 Sec. 2. Section 81.2, subsection 1, Code 2011, is amended  
8 to read as follows:

9 1. A person who receives a deferred judgment for a  
10 felony, aggravated misdemeanor, or against whom a judgment or  
11 conviction for a felony or aggravated misdemeanor has been  
12 entered shall be required to submit a DNA sample for DNA  
13 profiling pursuant to section 81.4.

14 Sec. 3. Section 81.10, subsection 1, Code 2011, is amended  
15 to read as follows:

16 1. A defendant who has been convicted of a felony or  
17 aggravated misdemeanor and who has not been required to submit  
18 a DNA sample for DNA profiling may make a motion to the court  
19 for an order to require that DNA analysis be performed on  
20 evidence collected in the case for which the person stands  
21 convicted.

22 Sec. 4. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
23 3, shall not apply to this Act.

24 Sec. 5. EFFECTIVE DATE. This Act takes effect July 1, 2013.

25 EXPLANATION

26 This bill requires an aggravated misdemeanant to submit a  
27 DNA sample.

28 The bill requires a person convicted of or who receives  
29 a deferred judgment for an offense that is classified as  
30 an aggravated misdemeanor to submit a DNA sample for DNA  
31 profiling.

32 The following aggravated misdemeanor offenses do not require  
33 a person to submit a DNA sample; operating a motor vehicle as a  
34 habitual offender in violation of Code section 321.561, theft  
35 in the third degree in violation of Code section 714.2(3),

1 and operating a motor vehicle without the owner's consent in  
2 violation of Code section 714.7.

3 Current law provides that a person who is convicted of or  
4 who receives a deferred judgment for an offense classified as a  
5 felony shall submit a DNA sample for DNA profiling.

6 The bill may include a state mandate as defined in Code  
7 section 25B.3. The bill makes inapplicable Code section 25B.2,  
8 subsection 3, which would relieve a political subdivision from  
9 complying with a state mandate if funding for the cost of  
10 the state mandate is not provided or specified. Therefore,  
11 political subdivisions are required to comply with any state  
12 mandate included in the bill.

13 The bill takes effect July 1, 2013.